

**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)

03/056 NUT CIP2

In re Application of: Rathjen et al.

Application No.: 10/821,003

Filed: April 8, 2004

For: Sweetener Compositions with a Sweetness and Taste Profile Comparable to HFCS 55

The owner*, Nutrinova Nutrition Specialties & Food Ingredients GmbH, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending reference Application Numbers 10/638,721 & 11/035,590, filed on 08/11/03 and 01/14/05, as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 45,764

Signature

Cathy R. Moore

March 31, 2008

Date

Typed or printed name

704 365-4881

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